

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JANE DOE, *et al.*,

*Plaintiffs,*

**NOTICE OF MOTION  
TO DISMISS**

-against-

1:20-CV-0840

HOWARD ZUCKER, in his official capacity as  
Commissioner of the New York State Department of  
Health, *et al.*,

(BKS/CFH)

*Defendants.*

---

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the Declaration of Assistant Attorney General Michael G. McCartin, with Exhibits 1 to 9, and all prior proceedings, on **October 1, 2020 at 10:00 a.m.**, the State Defendants will make a motion before the Hon. District Court Judge Brenda K. Sannes at the United States District Court, Northern District of New York, Syracuse, New York, for an order dismissing this action in its entirety pursuant to F.R.C.P. Rule 12(b)(1) and Rule 12(b)(6).

Dated: Albany, New York  
August 25, 2020

s/ *Michael McCartin*

---

MICHAEL G. McCARTIN  
Assistant Attorney General

*Of Counsel*  
Bar Roll No. 511158  
Telephone: (518) 776-2620  
E-mail: [Michael.McCartin@ag.ny.gov](mailto:Michael.McCartin@ag.ny.gov)

To: Michael H. Sussman, Esq. (via CM/ECF)  
Sussman, Watkins Law Firm

Sujata S. Gibson, Esq. (via CM/ECF)  
The Gibson Law Firm, PLLC

Robert F. Kennedy, Jr., Esq. (via CM/ECF)  
Mary Holland, Esq.  
Children's Health Defense

*Attorneys for Plaintiffs*